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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
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EDWARD B. EVANS 1936-1971

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DATE: September 15, 2005

RE: Serial No. 10/699,288; Filed:
October 31, 2003; For: Lamp
Assembly of Converting Between
Flood and Focus Conditions;
Applicants: James W.
Schmitkons; Conf. No. 2565

TO: Office of Petitions

FROM: Kevin G. Rooney

FAX NO.: 571-273-8300

TOTAL PAGES: 9
(including cover sheet)

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MESSAGE/COMMENTS

OFFICIAL

Enclosures: Petition for Revival of an Application for Patent Abandoned
Unintentionally under 37 C.F.R. § 1.137(b) including authorization to
charge deposit account associated fees
Notice of Appeal including extension of time including authorization to
charge deposit account associated fees

SEP 15 2005

PTO/SB/84 (07-05)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
NOR-1109

First named inventor: James W. Schmitkons et al.

Application No.: 10/699,288

Art Unit: 2881

Filed: October 31, 2003

Examiner: Johnnie L. Smith

Title: LAMP ASSEMBLY AND METHOD OF CONVERTING BETWEEN FLOOD AND FOCUS CONDITIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in
the form of Notice of Appeal (identify type of reply):

- ☐ has been filed previously on 09/16/2005 HVUONG1 00000010 233000 10699288
- ☒ is enclosed herewith. 01 FC:1453 1500.00 DA

- B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Kevin G. Rooney September 15, 2005
Signature Date
Kevin G. Rooney 36,330
Typed or printed name Registration Number, if applicable
Wood, Herron & Evans, L.L.P. 513-241-2324
Address Telephone Number
441 Vine Street, 2700 Carew Tower, Cincinnati, OH 45202
Address

Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Authorization to charge fees to deposit account 23-3000

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.September 15, 2005
Date

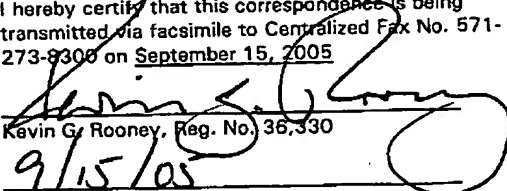
Kevin G. Rooney
Signature
Kevin G. Rooney
Typed or printed name of person signing certificate

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PATENT

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Kevin G. Rooney, Reg. No. 36,330

9/15/05
Date

Applicants: James W. Schmitkons et al.
Serial No.: 10/699,288
Filed: October 31, 2003
Group Art Unit: 2881
Examiner: Johnnie L. Smith
Title: LAMP ASSEMBLY AND METHOD OF CONVERTING BETWEEN FLOOD AND FOCUS CONDITIONS
Confirmation No.: 2565
Attorney Ref. No.: NOR-1109

Cincinnati, Ohio

September 15, 2005

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed March 10, 2005 finally rejecting claims 1-17.

The item(s) checked below are appropriate:

1. Status of Applicant

09/16/2005 HVUONG1 00000010 233000 10699288

02 FC:1401 500.00 DA
03 FC:1253 570.00 DA

This application is on behalf of

☒ other than a small entity.
☐ a small entity.

A statement

☐ is attached.

☐ was already filed on _____.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

☐ small entity \$250.00
☒ other than a small entity \$500.00

Notice of Appeal fee due \$500.00

3. Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) X Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<u> </u> one month	\$ 120.00	\$ 60.00
<u> </u> two months	\$ 450.00	\$225.00
<u> X </u> three months	\$1,020.00	\$510.00
<u> </u> four months	\$1,590.00	\$795.00

Fee \$ 1020.00

 Attached is a check in the amount of \$_____ for the three month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

 X An extension for two months has already been secured and the fee paid thereof of \$450.00 is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$570.00.

OR

- (b) _____ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

3. Total Fee Due

The total fee due is:

Notice of Appeal fee	<u>\$500.00.</u>
Extension fee (if any)	<u>\$570.00.</u>

Total Fee due \$1070.00

4. Fee Payment

_____ Attached is a check is the sum of _____.

X The Commissioner is hereby authorized to charge the amount of \$1070.00 for the appeal fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

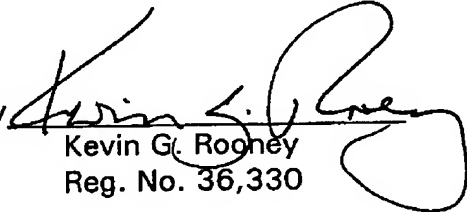
5. Fee Deficiency

XX Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By


Kevin G. Rooney
Reg. No. 36,330

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K:\NOR\1109\notice of appeal.wpd